

REMARKS

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. Support for amended claim 3 can be found in the original claims 5 and 7. the applicant has further limited the definitions of M and D1, D2 and D3. In addition support for the limit the cyclic groups to aromatic cyclic groups can be found in paragraph [0012] (which refers to “arylic”) and claim 14 disclose that the ortho-metallation of an arylic C-H bond is accelerated by the action of microwave radiation. Furthermore, the examples relate to phenylpyridine as the ligand. In phenylpyridine, the group CCy is phenyl, i.e. an aromatic cyclic group. Therefore, support flows from the specification. Support for newly added claim 17 can be found in claim 14.

The applicant has cancelled two claims and added one claim. The Examiner maintains his rejection of claims 3-16 are rejected under 35 U.S.C. 112 as failing to comply with the written description requirement. The Examiner stated that claims 3-16 remain rejected under 35 U.S.C. 112 because the specification does not reasonably provide enablement for any ligand/metal combination other then 2-phenylpyridine and iridium. The applicant respectfully traverses this rejection.

Rejections under 35 U.S.C. 112

Claims 3-16 remain rejected under 35 U.S.C. 112 because the specification does not reasonably provide enablement for any ligand/metal combination other then 2-phenylpyridine and iridium. In order to expedite prosecution, the applicant has further restricted the definition of the metal M to iridium and platinum. These metals are metals having a d⁸ electron configuration, which show a very similar chemical reactivity.

The applicant furthermore limited the donor atoms D1, D2 and D3 as nitrogen as disclosed in claim 7. Lastly, the applicant has amended the definition of CyC1, CyC2, CyC3 to each aromatic cyclic groups.

This ligand binds to the metal via a heteroaromatic group CyD, which binds to the metal via nitrogen as donor atom, and the aromatic group CyC, which binds to the metal via a carbon atom. These chemical structures are furthermore all only very minor variations of the ligand 2-phenylpyridine, which is used in the examples of the pending application.

Due to the close chemical similarity of the metals and the ligands of amended claim 3, these reactants all show a very similar chemical reactivity and the complexes can all be synthesized by the process as claimed in the pending application. The applicant believes that the claims are enabled. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A one month extension fee has been paid. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00050-US from which the undersigned is authorized to draw.

Dated: May 15, 2009

Respectfully submitted,

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